



Journal of the Senate

Number 12—Regular Session

Monday, February 13, 2012

CONTENTS

Call to Order	490
Co-Introducers	508
Committee Substitutes, First Reading	501
Enrolling Reports	508
Executive Business, Reports	500
Introduction and Reference of Bills	500
Motions	498, 499
Motions Relating to Committee Meetings	499
Reports of Committees	499
Resolutions	490
Senate Pages	508
Special Guests	490
Special Order Calendar	490
Subcommittee Reference	501
Subcommittee Withdrawal	501

CALL TO ORDER

The Senate was called to order by President Haridopolos at 1:00 p.m.
A quorum present—40:

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

PRAYER

The following prayer was offered by Rev. Abigail Moon, Associate Rector of St. John's Episcopal Church, Tallahassee:

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth: we beseech you so to guide and bless our Senators and Representatives in the legislature of this state that they may enact such laws as shall please you, to the glory of your name and the welfare of these people. Amen.

PLEDGE

Senate Pages, Caleb Rodrigues of Oakland Park; Christine Martinez of Tampa; Kati Underwood and Jennifer Lucas of Tallahassee; and Corey Burns of Winter Park, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Gibson—

By Senator Gibson—

SR 2022—A resolution recognizing the passing of Ann McDonald Baker.

WHEREAS, Ann McDonald Baker was born on December 14, 1937, in Charlotte, North Carolina, and

WHEREAS, in her more than 50 years as a resident of Jacksonville, Ann McDonald Baker demonstrated her devotion to her church, family, and community in all that she did, and

WHEREAS, Ann McDonald Baker believed in the power of partnerships for success, and through her love for the arts, education, and beautification co-founded the Arts Assembly, now known as the Cultural Council, Greenscape of Jacksonville, the Douglas Anderson School of the Arts, and the Women's Giving Alliance, and

WHEREAS, Ann McDonald Baker was an ardent supporter of the Jacksonville Symphony, Daniel Memorial Home, the Action Plan for the Arts, Hope Haven Hospital, and a host of community organizations, served on numerous boards, including that of the St. Mark's Episcopal Foundation, and was a graduate of Leadership Jacksonville, and

WHEREAS, Ann McDonald Baker was a member of the Petitioners' Committee for an historic referendum in Jacksonville which intervened in a lawsuit to ensure that citizens had the right to vote on the landmark conservation measure and to uphold passage of a charter amendment that established minimum requirements for tree mitigation in Duval County, and

WHEREAS, Ann McDonald Baker is survived by her loving husband of 54 years, Ted, their four children, Tom, Missy, Sally, and Margaret, and ten grandchildren, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the passing of Ann McDonald Baker and extends its deepest sympathy to her family.

—**SR 2022** was introduced, read and adopted by publication.

SPECIAL GUESTS

President Haridopolos introduced his mother, Georgia Haridopolos, who was present in the gallery.

INTRODUCTION OF FORMER SENATOR

Senator Bullard introduced former Senator Ron Silver, who was present in the gallery.

SPECIAL ORDER CALENDAR

On motion by Senator Ring—

CS for SB 186—A bill to be entitled An act relating to misdemeanor pretrial substance abuse programs; amending s. 948.16, F.S.; providing that a person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with certain other designated misdemeanor offenses, and who has not previously been convicted of a felony, may qualify for partici-

pation in a misdemeanor pretrial substance abuse program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 186** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms—

SB 436—A bill to be entitled An act relating to video voyeurism; amending s. 810.145, F.S.; revising the definition of the term “place and time when a person has a reasonable expectation of privacy” to include the interior of a residential dwelling; increasing the classification of specified video voyeurism offenses; amending s. 921.0022, F.S.; ranking a violation of s. 810.145(8)(b), F.S., above its default value for purposes of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 436** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 692**, **SM 1822**, **CS for SB 2026** and **SB 2028** was deferred.

On motion by Senator Margolis—

CS for SB 226—A bill to be entitled An act relating to disabled parking permits; amending s. 318.18, F.S.; providing for a parking enforcement specialist or agency to validate compliance for the disposition of a citation issued for illegally parking in a space provided for people who have disabilities; amending s. 320.0848, F.S.; revising requirements for renewal or replacement of a disabled parking permit; prohibiting applying for a new disabled parking permit for a certain period of time upon a second finding of guilt or plea of nolo contendere to unlawful use of such permit; requiring the Department of Highway Safety and Motor Vehicles to audit disabled parking permitholders, verify certain information, and invalidate the permit of a deceased permitholder; directing the department to implement a means for reporting abuse of disabled parking permits; providing for the department to conduct a public awareness campaign; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1 (387236) (with title amendment)—Delete line 110 and insert: *randomly review disabled parking permitholders to ensure that all*

And the title is amended as follows:

Delete line 13 and insert: Safety and Motor Vehicles to randomly review disabled parking

Amendment 2 (554534)—Delete line 112 and insert: *permit remain valid. As a component of the review, the department*

Amendment 3 (224650) (with title amendment)—Delete lines 130-141.

And the title is amended as follows:

Delete lines 17-19 and insert: reporting abuse of disabled parking permits; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 276—A bill to be entitled An act relating to special observances; creating s. 683.146, F.S.; designating August 7 of each year as “Purple Heart Day”; providing an effective date.

—was read the second time by title.

Senator Sachs moved the following amendment which was adopted:

Amendment 1 (820376) (with title amendment)—Between lines 7 and 8 insert:

Section 1. Section 265.003, Florida Statutes, is amended to read:

265.003 Florida Veterans’ Hall of Fame.—

(1) It is the intent of the Legislature to recognize and honor those military veterans who, through their works and lives during or after military service, have made a significant contribution to the State of Florida.

(2) There is established the Florida Veterans’ Hall of Fame.

(a) The Florida Veterans’ Hall of Fame is administered by the Florida Department of Veterans’ Affairs without appropriation of state funds.

(b) The Department of Management Services shall set aside an area on the Plaza Level of the Capitol Building along the northeast front wall and shall consult with the Department of Veterans’ Affairs regarding the design and theme of the area.

(c) Each person who is inducted into the Florida Veterans’ Hall of Fame shall have his or her name placed on a plaque displayed in the designated area of the Capitol Building.

(3)(a) *The Florida Veterans’ Hall of Fame Council is created within the Department of Veterans’ Affairs as an advisory council, as defined in s. 20.03(7), consisting of seven members who are all honorably discharged veterans, at least four of whom must be members of a congressionally chartered veterans service organization. The Governor, the President of the Senate, the Speaker of the House of Representatives, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the executive director of the Department of Veterans’ Affairs shall each appoint one member. For the purposes of ensuring staggered terms, the council members appointed by the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture shall be appointed to 4-year terms beginning on January 1 of the year of appointment, and the council members appointed by the President of the Senate, the Speaker of the House of Representatives, and the executive director of the Department of Veterans’ Affairs shall be appointed to 2-year terms beginning on January 1 of the year of appointment. After the initial appointments, all appointees shall be appointed to 4-year terms. A member whose term expires shall continue to serve on the council until a replacement is appointed.*

(b) *The members shall annually elect a chair from among their number. The council shall meet at the call of the chair, at the request of the executive director of the Department of Veterans’ Affairs, or at such times as may be prescribed by the council. A majority of the members of the council currently appointed constitutes a quorum, and a meeting may not be held unless a quorum is present. The affirmative vote of a majority of the members of the council present is necessary for any official action by the council.*

(c) *Members of the council may not receive compensation or honorarium for their services. Members may be reimbursed for travel expenses incurred in the performance of their duties, as provided in s. 112.061, however, no state funds may be used for this purpose.*

(d) *The original appointing authority may remove his or her appointee from the council for misconduct or malfeasance in office, neglect of duty, incompetence, or permanent inability to perform official duties or if the member is adjudicated guilty of a felony.*

(4)(a) ~~The Florida Veterans’ Hall of Fame Council~~ ~~Department of Veterans’ Affairs~~ shall annually accept nominations of persons to be considered for induction into the Florida Veterans’ Hall of Fame and shall ~~then~~ ~~transmit a list of up to 20 nominees~~ ~~its recommendations~~ ~~to the Department of Veterans’ Affairs for submission to the Governor and the Cabinet who will select the nominees to be inducted.~~

(b) ~~In selecting its nominees for submission~~ ~~making its recommendations~~ to the Governor and the Cabinet, the Florida Veterans’

Hall of Fame Council ~~Department of Veterans' Affairs~~ shall give preference to veterans who were born in Florida or adopted Florida as their home state or base of operation and who have made a significant contribution to the state in civic, business, public service, or other pursuits.

(5)(4) *The Florida Veterans' Hall of Fame Council* ~~Department of Veterans' Affairs~~ may establish criteria and set specific time periods for acceptance of nominations and for the process of selection of nominees for membership and establish a formal induction ceremony to coincide with the annual commemoration of Veterans' Day.

And the title is amended as follows:

Delete line 2 and insert: An act relating to recognition of military personnel and veterans; amending s. 265.003, F.S.; creating the Florida Veterans' Hall of Fame Council within the Department of Veterans' Affairs; providing for membership, terms of members, and organization of the council; revising provisions relating to nomination of persons to the Florida Veterans' Hall of Fame; providing for annual acceptance of nominations by the council; authorizing the council to establish criteria for such nominations; creating s.

On motion by Senator Sachs, by two-thirds vote **SB 276** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

On motion by Senator Ring—

CS for SB 346—A bill to be entitled An act relating to flag etiquette; creating s. 256.015, F.S.; requiring that the Governor adopt a protocol on flag display; requiring the protocol to have guidelines for proper flag display and for lowering the state flag to half-staff on certain occasions; authorizing the Governor to adopt, repeal, or modify any rule or custom as the Governor deems appropriate which pertains to the display of the state flag; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 346** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

SB 528—A bill to be entitled An act relating to special license plates; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 528** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 600—A bill to be entitled An act relating to electronic filing of construction plans; amending s. 468.604, F.S.; providing a legislative finding; providing for certain documents to be electronically signed and sealed by the licensee and electronically transmitted to a building code administrator or building official for approval; amending s. 489.103, F.S.; providing an exemption from construction contracting requirements for an owner who installs, removes, or replaces solar panels on certain residences while acting as the contractor; providing for an electronic signature on the permit application; requiring the building permit application and disclosure statement to include a declaration statement by the owner; providing that the issuing authority is not liable in any civil action for inaccurate information submitted by the owner using the authority's electronic permitting system; amending s. 713.135, F.S.; providing that an owner or contractor is not required to personally appear and provide a notarized signature when filing a building permit application for a solar project if certain conditions are met; providing that the issuing authority is not liable in any civil action for inaccurate information submitted by the owner using the authority's electronic permitting system; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Bennett, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (747150) (with title amendment)—Delete lines 45-291.

And the title is amended as follows:

Delete lines 8-26.

Pursuant to Rule 4.19, **CS for CS for SB 600** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for SB 780—A bill to be entitled An act relating to airport parking fees; amending s. 316.1964, F.S.; exempting vehicles transporting power mobility devices for use by persons who have a disability from payment of parking fees at a publicly owned or operated airport; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 780** was placed on the calendar of Bills on Third Reading.

SB 894—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2012 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2012 shall be effective immediately upon publication; providing that general laws enacted during the 2011 regular session and prior thereto and not included in the Florida Statutes 2012 are repealed; providing that general laws enacted during the 2012 regular session are not repealed by this adoption act; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 894**, on motion by Senator Thrasher, by two-thirds vote **HB 7005** was withdrawn from the Committee on Rules.

On motion by Senator Thrasher—

HB 7005—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2012 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2012 shall be effective immediately upon publication; providing that general laws enacted during the 2011 regular session and

prior thereto and not included in the Florida Statutes 2012 are repealed; providing that general laws enacted during the 2012 regular session are not repealed by this adoption act; providing an effective date.

—a companion measure, was substituted for **SB 894** and read the second time by title.

On motion by Senator Thrasher, by two-thirds vote **HB 7005** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

SB 896—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.45, 24.113, 25.077, 98.093, 106.011, 106.07, 106.0703, 106.08, 106.143, 120.745, 121.021, 121.0515, 121.4501, 163.06, 163.3184, 163.3213, 163.3245, 163.3248, 189.421, 196.012, 212.096, 213.24, 215.198, 215.425, 218.39, 255.21, 260.0142, 287.042, 287.0947, 288.106, 288.1226, 288.706, 288.7102, 290.0401, 290.0411, 290.042, 290.044, 290.048, 311.09, 311.105, 316.302, 373.414, 376.3072, 376.86, 379.2255, 381.026, 409.9122, 409.966, 409.972, 409.973, 409.974, 409.975, 409.983, 409.984, 409.985, 420.602, 427.012, 440.45, 443.036, 443.1216, 468.841, 474.203, 474.2125, 493.6402, 499.012, 514.0315, 514.072, 526.207, 538.09, 538.25, 553.79, 590.33, 604.50, 627.0628, 627.351, 627.3511, 658.48, 667.003, 681.108, 753.03, 766.1065, 794.056, 847.0141, 893.055, 893.138, 943.25, 984.03, 985.0301, 985.14, 985.441, 1002.33, 1003.498, 1004.41, 1007.28, 1010.82, 1011.71, 1011.81, 1013.33, 1013.36, and 1013.51, F.S.; reenacting and amending s. 288.1089, F.S.; and reenacting s. 288.980, F.S., deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 896**, on motion by Senator Thrasher, by two-thirds vote **HB 7007** was withdrawn from the Committee on Rules.

On motion by Senator Thrasher—

HB 7007—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.45, 24.113, 25.077, 98.093, 106.011, 106.07, 106.0703, 106.08, 106.143, 120.745, 121.021, 121.0515, 121.4501, 163.06, 163.3184, 163.3213, 163.3245, 163.3248, 189.421, 196.012, 212.096, 213.24, 215.198, 215.425, 218.39, 255.21, 260.0142, 287.042, 287.0947, 288.106, 288.1226, 288.706, 288.7102, 290.0401, 290.0411, 290.042, 290.044, 290.048, 311.09, 311.105, 316.302, 373.414, 376.3072, 376.86, 379.2255, 381.026, 409.9122, 409.966, 409.972, 409.973, 409.974, 409.975, 409.983, 409.984, 409.985, 420.602, 427.012, 440.45, 443.036, 443.1216, 468.841, 474.203, 474.2125, 493.6402, 499.012, 514.0315, 514.072, 526.207, 538.09, 538.25, 553.79, 590.33, 604.50, 627.0628, 627.351, 627.3511, 658.48, 667.003, 681.108, 753.03, 766.1065, 794.056,

847.0141, 893.055, 893.138, 943.25, 984.03, 985.0301, 985.14, 985.441, 1002.33, 1003.498, 1004.41, 1007.28, 1010.82, 1011.71, 1011.81, 1013.33, 1013.36, and 1013.51, F.S.; reenacting and amending s. 288.1089, F.S.; and reenacting s. 288.980, F.S., deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

—a companion measure, was substituted for **SB 896** and read the second time by title.

On motion by Senator Thrasher, by two-thirds vote **HB 7007** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

SB 898—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 216.292(5)(b), 255.503(7)(b), 288.1088(4), 339.08(1)(n) and (p), 339.135(7)(a) and (b), 341.102(1), 403.1651(3), 445.007(10) and (11), 921.0019, 1001.451(2)(c), and 1004.226, F.S.; and amending s. 373.079(4)(a), F.S., to delete provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2012 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending s. 1004.648(12), F.S., to conform a cross-reference; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 898**, on motion by Senator Thrasher, by two-thirds vote **HB 7009** was withdrawn from the Committee on Rules.

On motion by Senator Thrasher—

HB 7009—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 216.292(5)(b), 255.503(7)(b), 288.1088(4), 339.08(1)(n) and (p), 339.135(7)(a) and (b), 341.102(1), 403.1651(3), 445.007(10) and (11), 921.0019, 1001.451(2)(c), and 1004.226, F.S.; and amending s. 373.079(4)(a), F.S.; to delete provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2012 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending s. 1004.648(12), F.S., to conform a cross-reference; providing an effective date.

—a companion measure, was substituted for **SB 898** and read the second time by title.

On motion by Senator Thrasher, by two-thirds vote **HB 7009** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Gibson	Sachs
Bogdanoff	Hays	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

Gaetz	Margolis	Simmons
Garcia	Montford	Siplin
Gardiner	Negron	Smith
Gibson	Norman	Sobel
Hays	Oelrich	Storms
Jones	Rich	Thrasher
Joyner	Richter	Wise
Latvala	Ring	
Lynn	Sachs	

Nays—None

SENATOR SIMMONS PRESIDING

On motion by Senator Negron—

CS for CS for CS for SB 206—A bill to be entitled An act relating to public meetings; creating s. 286.0114, F.S.; requiring that a member of the public be given a reasonable opportunity to be heard before a board or commission takes official action on a proposition before a board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision; providing that the opportunity to be heard is subject to rules or policies adopted by the board or commission; specifying certain exceptions; providing requirements for rules or policies governing the opportunity to be heard; providing that compliance with the requirements of the act is presumed under certain circumstances; authorizing a court to assess reasonable attorney fees in actions filed against a board or commission; providing that any action taken by a board or commission which is found in violation of the act is not void; providing that circuit courts have jurisdiction to issue injunctions for purposes of the act; requiring that a board or commission that is subject to ch. 120, F.S., adopt rules; providing an effective date.

—was read the second time by title.

Senator Negron moved the following amendments which were adopted:

Amendment 1 (458634)—Delete lines 53 and 54 and insert: *act*;(c) *Any meeting that is exempt from the provisions of s. 286.011; or*(d) *A meeting in which the board or commission is acting in***Amendment 2 (111746) (with title amendment)**—Delete lines 58-98 and insert:(3) *Rules or policies of a board or commission must be limited to rules or policies that:*(a) *Limit the time an individual has to address the board or commission;*(b) *Require, at meetings in which a large number of individuals wish to be heard, that representatives of groups or factions on an item, rather than all of the members of the groups or factions, address the board or commission;*(c) *Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or*(d) *Designate a specified period of time for public comment.*(4)(a) *If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, it is presumed that the board or commission is acting in compliance with this section.*(b) *Whenever an action is filed against a board or commission of any state agency or authority of a county, municipal corporation, or political subdivision to enforce the provisions of this section, the court shall assess reasonable attorney fees against such agency or authority if the court*

SB 900—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 121.0515, 125.27, 253.036, 258.501, 259.035, 259.036, 259.037, 259.101, 259.105, 259.10521, 260.0142, 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591, 379.226, 403.7071, 479.16, 581.1843, 589.01, 589.011, 589.012, 589.04, 589.06, 589.07, 589.071, 589.08, 589.081, 589.09, 589.10, 589.101, 589.11, 589.12, 589.13, 589.14, 589.15, 589.16, 589.18, 589.19, 589.20, 589.21, 589.26, 589.27, 589.275, 589.277, 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, 589.34, 590.01, 590.015, 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, 590.25, 590.33, 590.34, 590.35, 590.42, 591.17, 591.18, 591.19, 591.20, 591.24, 591.25, 633.115, 633.821, and 790.15, F.S., to conform to the directive of the Legislature in section 12 of chapter 2011-56, Laws of Florida, to prepare a reviser's bill for introduction at a subsequent session of the Legislature which replaces all statutory references to the Division of Forestry with the term "Florida Forest Service"; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 900**, on motion by Senator Thrasher, by two-thirds vote **HB 7011** was withdrawn from the Committee on Rules.

On motion by Senator Thrasher—

HB 7011—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 121.0515, 125.27, 253.036, 258.501, 259.035, 259.036, 259.037, 259.101, 259.105, 259.10521, 260.0142, 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591, 379.226, 403.7071, 479.16, 581.1843, 589.01, 589.011, 589.012, 589.04, 589.06, 589.07, 589.071, 589.08, 589.081, 589.09, 589.10, 589.101, 589.11, 589.12, 589.13, 589.14, 589.15, 589.16, 589.18, 589.19, 589.20, 589.21, 589.26, 589.27, 589.275, 589.277, 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, 589.34, 590.01, 590.015, 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, 590.25, 590.33, 590.34, 590.35, 590.42, 591.17, 591.18, 591.19, 591.20, 591.24, 591.25, 633.115, 633.821, and 790.15, F.S., to conform to the directive of the Legislature in section 12 of chapter 2011-56, Laws of Florida, to prepare a reviser's bill for introduction at a subsequent session of the Legislature which replaces all statutory references to the Division of Forestry with the term "Florida Forest Service"; providing an effective date.

—a companion measure, was substituted for **SB 900** and read the second time by title.

On motion by Senator Thrasher, by two-thirds vote **HB 7011** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bogdanoff	Diaz de la Portilla
Alexander	Braynon	Dockery
Altman	Bullard	Evers
Benacquisto	Dean	Fasano
Bennett	Detert	Flores

determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(c) Any action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

(d) The circuit courts shall have jurisdiction to issue injunctions for the purpose of enforcing this section upon the filing of an application for such injunction by any citizen of this state.

And the title is amended as follows:

Delete lines 21 and 22 and insert: the act; providing an

Pursuant to Rule 4.19, **CS for CS for CS for SB 206** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner—

SB 990—A bill to be entitled An act relating to natural guardians; amending s. 744.301, F.S.; revising provisions relating to the authority of natural guardians to act on behalf of their children; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 990** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

SM 1080—A memorial to the Congress of the United States, urging Congress to initiate and support nationwide efforts to commemorate the 40th anniversary of the end of the United States' involvement in the Vietnam War and demonstrate the nation's appreciation for the honorable service and sacrifice of Vietnam Veterans.

WHEREAS, the Vietnam War was a Cold War military conflict that occurred in Vietnam, Laos, and Cambodia from November 1, 1955, until the United States Congress passed the Case-Church amendment in 1973 which prohibited the further use of American military forces in the conflict, and

WHEREAS, 2013 marks the 40th anniversary of the end of the United States' involvement in the Vietnam War, and

WHEREAS, there are an estimated 650,000 Vietnam veterans in the State of Florida, and

WHEREAS, because of the intense public opposition to the war that existed at the time, members of the United States Armed Services returned home to an unprecedented lack of formal positive recognition of the honorable service they had provided on behalf of their country and the tremendous sacrifices they had made, and

WHEREAS, the lack of formal "Welcome Home" parades and other traditional celebrations for returning soldiers that were common in previous military conflicts in which the United States was engaged, coupled with verbal and sometimes physical abuse, resulted in great disillusionment, undeserved indignity, and often great suffering and anguish among returning Vietnam veterans, and

WHEREAS, many of these brave men and women are now reaching an advanced age, and

WHEREAS, March 30, 2013, will mark the official date of the 40th anniversary of the end of the United States' involvement in the Vietnam War, and

WHEREAS, on that date this nation will be presented with a unique and historic opportunity to hold appropriate observances and long-overdue recognition ceremonies that will honor our nation's aging Viet-

nam War veterans and that may finally provide these brave men and women a fitting expression of gratitude and a measure of healing and official closure that has been denied them for decades and that they so greatly deserve, and

WHEREAS, the importance of the commemoration of the 40th anniversary of the end of the United States' involvement in the Vietnam War and the opportunity that such an historical anniversary presents to attempt to rectify past injustices and ingratitude cannot be stressed strongly enough, and

WHEREAS, it is fitting and appropriate that the United States Congress initiate and support efforts at the national level to mark this historic anniversary and to attempt to redress the lack of appropriate recognition and undeserved ingratitude that so many of these brave servicemen and servicewomen received upon returning home, and

WHEREAS, as part of a national effort, it is also requested that the United States Congress authorize the minting of a 40th anniversary commemorative medal expressing the nation's appreciation for the honorable service of Vietnam veterans, and

WHEREAS, for this historic opportunity to be fully realized, the United States Congress should act promptly and decisively, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged to initiate and support nationwide efforts to commemorate the 40th anniversary of the end of the United States' involvement in the Vietnam War and demonstrate the nation's appreciation for the honorable service and sacrifice of Vietnam veterans.

BE IT FURTHER RESOLVED that, as part of such national effort, the United States Congress is requested to authorize the minting of a 40th anniversary commemorative medal expressing the nation's appreciation for the honorable service of Vietnam veterans.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the legislative governing body of each of the other 49 states of the United States.

—was read the second time in full. On motion by Senator Dean, **SM 1080** was adopted and certified to the House.

SM 1482—A memorial to the Congress of the United States recognizing the death of Osama bin Laden as a positive step forward in the war on terrorism and declaring a continuing unity of commitment against terrorism, its crimes against humanity, and al-Qaeda.

WHEREAS, the actions taken by Osama bin Laden and al-Qaeda and its networks targeting innocent civilians, including women and children, are repugnant, and

WHEREAS, Osama bin Laden was the mastermind of the September 11, 2001, attacks on the United States of America, which murdered 2,977 citizens, and

WHEREAS, Osama bin Laden and al-Qaeda were responsible for other terrorist attacks against the United States of America, including bombing American embassies in Tanzania and Kenya and attacking the U.S.S. Cole, and

WHEREAS, a collective effort between President George W. Bush and President Barack Obama, along with the hard work of intelligence organizations and the men and women of the Armed Forces, resulted in locating Osama bin Laden, and

WHEREAS, President Barack Obama took immediate action upon learning of the location of Osama bin Laden, and

WHEREAS, while resisting capture, Osama bin Laden was killed on May 1, 2011, by operatives of the Central Intelligence Agency and Navy Seals, and

WHEREAS, Osama bin Laden's death provides some degree of closure as it relates to September 11, 2001, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That we recognize the death of Osama bin Laden as a positive step forward in the war on terrorism and declare a continuing unity of commitment with other states and nations against terrorism, its crimes against humanity, and al-Qaeda.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Braynon, **SM 1482** was adopted and certified to the House.

CS for SM 1486—A memorial to the Congress of the United States, urging Congress to pass H.R. 2918, the Taiwan Policy Act of 2011.

WHEREAS, H.R. 2918, the Taiwan Policy Act of 2011, was introduced on September 14, 2011, and is currently pending before the 112th Congress, and

WHEREAS, H.R. 2918 seeks to encourage and strengthen the commercial, cultural, and other interests between the people of the United States and Taiwan, as set forth in the Taiwan Relations Act which was enacted in 1979 (Public Law 96–8; 22 U.S.C. ss. 3301 et seq.) and which has served for 33 years as the foundation of United States-Taiwan relations, and

WHEREAS, we are reminded that the Taiwan Relations Act has functioned to ensure peace and stability in the Western Pacific and that it continues to be a priority of the United States to maintain that international stability, and

WHEREAS, this nation must be vigilant to encourage the secure future of Taiwan and must do all that is within our ability to encourage the military self-defense capabilities of Taiwan, and

WHEREAS, economically, Taiwan is the ninth largest trading partner with the United States and that trade translated into approximately \$57 billion in 2010, and

WHEREAS, both nations realize that it is in the best economic interests of the United States and in the national security interests of Taiwan that these two nations continue to cultivate the intricate ties between them, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged to pass H.R. 2918, the “Taiwan Policy Act of 2011,” in recognition that the passage of the act is a necessary step toward nurturing and maintaining the diverse interests that bind the people of the United States and the people of Taiwan.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Braynon, **CS for SM 1486** was adopted and certified to the House.

SM 1528—A memorial to Secretary of Homeland Security Janet Napolitano, urging the Department of Homeland Security to create the Haitian Family Reunification Parole Program.

WHEREAS, on January 12, 2010, Haiti experienced a 7.0 magnitude earthquake, which killed 250,000 people and left over 1 million homeless, injured, and with limited access to potable water and food, and

WHEREAS, Haitians that live in the United States, particularly in Florida, were devastated by the news and were concerned for the well-being of family members still living in Haiti, and

WHEREAS, President Obama issued an executive order to grant temporary protected status to eligible citizens of Haiti, and, on May 17, 2011, Secretary of Homeland Security Janet Napolitano announced the extension of the temporary protect status for eligible Haitians for another 18 months, and

WHEREAS, human rights advocates have called upon the Department of Homeland Security to use the Immigration and Nationality Act's humanitarian parole authority to allow Haitians that have approved visas to immigrate to the United States without waiting extending periods of time, and

WHEREAS, the United States Citizenship and Immigration Services approved family-based immigration petitioners to wait in the United States rather than in Haiti for their visa priority dates to become current, and

WHEREAS, there is currently a Cuban Family Reunification Program in aid of Cuban applicants for immigration to join their families in this country, and the purpose of this memorial is to call for the establishment of a similar program in support of Haitian applicants for immigration to join their families in this country due to the current circumstances in Haiti, and

WHEREAS, the purpose of the Haitian Family Reunification Parole Program will be to hasten the reunification of families and discourage Haitian citizens from resorting to illegal and dangerous means of migration into the United States, and

WHEREAS, support for the Haitian Family Reunification Parole Program is supported by the City of Philadelphia, Pennsylvania; the Conference of Mayors; the United States House Committee on Foreign Affairs; and six United States Senators, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That Secretary of Homeland Security Janet Napolitano and the Department of Homeland Security are urged to create the Haitian Family Reunification Parole Program for the reasons and purposes provided in this memorial.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to Secretary of Homeland Security Janet Napolitano.

—was read the second time in full. On motion by Senator Siplin, **SM 1528** was adopted and certified to the House.

On motion by Senator Flores—

CS for SB 1856—A bill to be entitled An act relating to public meetings and public records; providing an exemption from public meeting requirements for certain meetings of a peer review panel under the James and Esther King Biomedical Research Program and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program; providing an exemption from public records requirements for certain records related to biomedical research grant applications; providing an exemption from public records requirements for research grant applications provided to, and reviewed by, the peer review panel; providing exceptions to the exemption; providing for legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1856** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thrasher—

SB 2058—A bill to be entitled An act relating to the Office of Legislative Services; amending ss. 11.045, 11.0455, and 112.3148, F.S.; providing for duties related to the registration and reporting of legislative lobbyists to be conducted by the office rather than the Division of Legislative Information Services within the office; amending s. 11.242, F.S.; requiring that certain content relating to the published edition of the Florida Statutes be determined by the office rather than by the Division of Statutory Revision within the office; amending s. 119.15, F.S.; requiring that the office, rather than the Division of Statutory Revision, certify to the Legislature public records and public meetings exemptions that are scheduled for repeal; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2058** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thrasher, the Senate resumed consideration of—

CS for CS for SB 2038—A bill to be entitled An act relating to the privatization of correctional facilities; creating s. 944.7115, F.S.; requiring that the Department of Management Services, working with the Department of Corrections, privatize the management and operation of certain correctional facilities and assigned correctional units; requiring that the Department of Management Services issue two or more requests for proposals; providing a timeframe for proposals submitted in response to a request for proposals; requiring the department to prepare a business case for the privatization before issuing the requests for proposals; providing certain cost-saving requirements; requiring that the Department of Corrections determine the costs incurred for the 2010-2011 fiscal year for each correctional facility and assigned correctional unit according to a specified formula; limiting the costs to be incurred by the state in the second or subsequent contract years; providing that the provisions in a request for proposals which relate to cost savings are not subject to challenge in any protest of the specifications of a request for proposals; requiring that each contractor selected as a result of a request for proposals manage and operate the correctional facilities and all assigned correctional units at certain capacities; requiring that all activities regarding the classification of inmates remain under the supervision and direction of the Department of Corrections; requiring that each facility's average daily population and medical and psychological grade population percentages remain unchanged from the average daily population calculated for the 2010-2011 fiscal year; requiring that certain accounts associated with the correctional facilities and assigned correctional units continue to be remitted to the General Revenue Fund; providing that certain statutory provisions regarding contractual arrangements with private entities for the operation and maintenance of correctional facilities and the certification of private correctional officers do not apply to a request for proposals or a contract authorized by the act; providing that s. 216.023, F.S., regarding legislative budget requests furnished to the Legislature, does not initially apply to the Department of Corrections or the Department of Management Services with respect to the services required to be privatized under the act; specifying the requirements for any contract resulting from a request for proposals; limiting the term of the contract and providing for renewal; requiring the appointment of a contract monitor; providing requirements for the certification of private correctional officers at the contractor's expense; providing required performance measures for a contract that results from a request for proposals; requiring the contract to specify that employees of the contractor do not have the right to strike; requiring that the contractor purchase services and supplies for the operation and maintenance of the correctional facilities or assigned correctional units from a subcontractor or supplier that is located in this state or that employs residents of this state under certain circumstances; providing an exception; requiring that the contractor reimburse the state for the total cost of unused, accumulated leave actually paid by the state to former employees of the Department of Corrections who were employed

at the correctional facilities and assigned correctional units; requiring that the Department of Management Services certify to the contractor the amount that must be reimbursed; requiring that the contractor pay the reimbursement to the state within a specified period after receiving the department's certification; requiring that the contractor pay to the Department of Management Services the reasonable and direct costs associated with the pursuit or apprehension of an escapee from a correctional facility and incurred by any state or local law enforcement agency while involved in the pursuit or apprehension of an escapee during a specified period after the inmate's escape; requiring that the Department of Management Services provide reports to the legislative appropriations committees regarding the performance of each contractor; requiring that the Department of Corrections prepare and submit to the Legislative Budget Commission proposed revisions to its operating budget; requiring that the Department of Management Services enter into a contract with one or more winning bidders after approval by the Legislative Budget Commission; requiring that current employees at each designated correctional facility and assigned correctional unit be given first preference for continued employment; requiring that the Department of Corrections make reasonable efforts for finding job placements for employees who wish to continue to be employed by the state; requiring that the Department of Economic Opportunity expeditiously provide assistance and services to employees of the Department of Corrections who are not employed by the contractor or who do not continue employment with the Department of Corrections; providing requirements for the request for appropriation of funds; limiting the authority of the Department of Corrections with respect to such appropriation; authorizing the Department of Management Services and the Department of Corrections to adopt rules; providing an effective date.

—which was previously considered and amended January 31 with pending **Amendment 5 (403092)** by Senator Fasano which was deferred.

Senator Fasano moved the following:

Amendment 6 (344440) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Office of Economic and Demographic Research within the Legislature shall conduct a thorough and complete financial impact analysis of the costs and benefits of privatizing and closing prisons in this state.*

Section 2. This act shall take effect July 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the privatization and closing of prisons; requiring that the Office of Economic and Demographic Research within the Legislature conduct a thorough and complete financial impact analysis of the costs and benefits of privatizing and closing prisons in this state; providing an effective date.

MOTION

Senator Simmons moved to allow consideration of the late filed substitute **Amendment 7 (728526)**. The motion failed to receive the required two-thirds vote, therefore the amendment was not considered.

The vote was:

Yeas—22

Mr. President	Gaetz	Norman
Alexander	Garcia	Richter
Altman	Gardiner	Simmons
Benacquisto	Hays	Siplin
Bennett	Jones	Thrasher
Bogdanoff	Latvala	Wise
Detert	Lynn	
Flores	Negron	

Nays—18

Braynon	Fasano	Rich
Bullard	Gibson	Ring
Dean	Joyner	Sachs
Diaz de la Portilla	Margolis	Smith
Dockery	Montford	Sobel
Evers	Oelrich	Storms

SENATOR THRASHER PRESIDING

THE PRESIDENT PRESIDING

SENATOR JONES PRESIDING

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 6:00 p.m.

SENATOR THRASHER PRESIDING

THE PRESIDENT PRESIDING

The question recurred on **Amendment 6 (344440)** which failed.

The vote was:

Yeas—19

Braynon	Gibson	Ring
Bullard	Joyner	Sachs
Dean	Latvala	Smith
Diaz de la Portilla	Margolis	Sobel
Dockery	Montford	Storms
Evers	Oelrich	
Fasano	Rich	

Nays—21

Mr. President	Flores	Negron
Alexander	Gaetz	Norman
Altman	Garcia	Richter
Benacquisto	Gardiner	Simmons
Bennett	Hays	Siplin
Bogdanoff	Jones	Thrasher
Detert	Lynn	Wise

Senator Alexander moved the following amendments which were adopted:

Amendment 8 (709364)—Delete line 132 and insert: *requests for proposals no later than 60 days after the effective*

Amendment 9 (302944)—Delete line 159 and insert: *personnel costs associated with inmate classification. The Auditor General shall review and certify all such costs. The total*

Senator Fasano moved the following amendment:

Amendment 10 (284166) (with title amendment)—Delete lines 180-182 and insert: *population percentages, shall mirror the average daily populations at facilities operated by the Department of Corrections across the state.*

And the title is amended as follows:

Delete lines 32-34 and insert: *population percentages mirror the average daily populations at facilities operated by the Department of Corrections across the state; requiring that certain accounts*

MOTION

On motion by Senator Benacquisto, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Benacquisto moved the following substitute amendment which was adopted:

Amendment 11 (931520) (with title amendment)—Delete lines 176-182 and insert:

(5)(a) The Department of Corrections shall classify an inmate without regard for and without consideration of whether the correctional facility or assigned correctional facility to which the inmate will be assigned as a result of the classification is operated by the Department of Corrections or by a contractor. Each facility's medical and psychological grade population percentages shall remain substantially unchanged from the average daily population calculated for the 2010-2011 fiscal year. Each facility's average daily population shall be substantially the same or greater than the average daily population calculated for the 2010-2011 fiscal year.

(b) By October 1 of each year during the term of the contracts authorized under this section, the Office of Program Policy Analysis and Government Accountability shall conduct a review of the assignment of inmates by the Department of Corrections during the most recently ended fiscal year, determine the factors and considerations used by the Department of Corrections in the classification of inmates, and determine if the Department of Corrections has considered in the classification of inmates whether the correctional facility or assigned correctional unit to which inmates are assigned is operated by the Department of Corrections or by a contractor. By November 15 of each year, the Office of Program Policy Analysis and Government Accountability shall submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

And the title is amended as follows:

Delete lines 27-34 and insert: *requiring that the Department of Corrections classify all inmates without regard for and without consideration of whether the inmates will be assigned to facilities operated by the Department of Corrections or by a contractor; requiring that each facility's medical and psychological grade population percentages remain substantially unchanged from the average daily population calculated for the 2010-2011 fiscal year; requiring that the Office of Program Policy Analysis and Government Accountability conduct a review of the assignments of inmates by the Department of Corrections; requiring that the office submit a report of its findings to the Governor and Legislature by a specified date each year; requiring that certain accounts*

Senator Fasano moved the following amendment:

Amendment 12 (334860)—Delete lines 316-318 and insert: *beings performance. The Department of Management Services shall*

MOTION

On motion by Senator Gaetz, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Gaetz moved the following substitute amendment which was adopted:

Amendment 13 (101810) (with title amendment)—Delete lines 309-321 and insert:

(10)(a) The contractor shall reimburse the state for the total costs of all unused, accumulated leave actually paid by the state, in accordance with law and policies in effect on January 1, 2012, to former employees of the Department of Corrections who were employed at the correctional facilities and assigned correctional units included in the contract during the pay period immediately prior to the date on which the contractor begins performance and who leave employment with the Department of Corrections at any time within 1 year after such date.

(b) The Department of Management Services shall certify to the contractor the amount that must be reimbursed and the contractor shall pay the reimbursement to the state no later than 180 days after receipt of such certification.

(c) *The cost of such unused, accumulated leave may not be included in the costs incurred by the state for the 2010-2011 fiscal year for the provision of services at the correctional facilities and assigned correctional units included in the requests for proposals and may not be included in the 7 percent cost savings required under subsection (3) which must be attained during the first year of the contract.*

And the title is amended as follows:

Delete lines 70-74 and insert: units and who leave employment with the Department of Corrections; requiring that the Department of Management Services certify to the contractor the amount that must be reimbursed; requiring that the contractor pay the reimbursement to the state within a specified period after receiving the department's certification; prohibiting the cost of such unused, accumulated leave from being included in the costs incurred by the state for the 2010-2011 fiscal year and in the 7 percent cost savings;

Senator Fasano moved the following amendment:

Amendment 14 (274610) (with title amendment)—Delete lines 328-329 and insert: *pursuit or apprehension of an escapee.*

And the title is amended as follows:

Delete lines 80-81 and insert: involved in the pursuit or apprehension of an escapee;

MOTION

On motion by Senator Bogdanoff, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Bogdanoff moved substitute **Amendment 15 (618308)** which was subsequently withdrawn.

The question recurred on **Amendment 14 (274610)** which was adopted.

Senator Alexander moved the following amendment which was adopted:

Amendment 16 (218572)—Delete line 344 and insert: *attained during the first year of the term of the contract. The Auditor General shall review and certify the attainment of the required savings.*

Senator Alexander moved the following amendment which failed:

Amendment 17 (257150) (with title amendment)—Between lines 379 and 380 insert:

Section 2. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

And the title is amended as follows:

Delete line 107 and insert: to adopt rules; providing for severability; providing an effective date.

The vote was:

Yeas—17

Mr. President	Gaetz	Richter
Alexander	Gardiner	Simmons
Altman	Hays	Siplin
Benacquisto	Jones	Thrasher
Bennett	Lynn	Wise
Bogdanoff	Negron	

Nays—22

Braynon	Detert	Evers
Bullard	Diaz de la Portilla	Fasano
Dean	Dockery	Garcia

Gibson	Norman	Smith
Joyner	Oelrich	Sobel
Latvala	Rich	Storms
Margolis	Ring	
Montford	Sachs	

The question recurred on **Amendment 5 (403092)** by Senator Fasano which was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 2038** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Thrasher, the rules were waived and the Committees on Education Pre-K - 12; and Environmental Preservation and Conservation were granted permission to meet February 14 from 9:00 a.m. until 11:00 a.m.; and the Committee on Rules was granted permission to meet February 14 from 11:15 a.m. until 1:00 p.m.

Senator Thrasher moved that the rules be waived and in the event the Committee on Budget completes its agenda for Wednesday, February 15, the Committees on Banking and Insurance; Commerce and Tourism; Regulated Industries; and Transportation were granted permission to meet February 16 from 8:00 a.m. until 10:15 a.m.; the Committee on Children, Families, and Elder Affairs; Criminal Justice; Health Regulation; Higher Education; and Judiciary were granted permission to meet February 16 from 10:30 a.m. until 12:45 p.m.; the Committees on Governmental Oversight and Accountability; and Military Affairs, Space, and Domestic Security were granted permission to meet February 16 from 1:45 p.m. until 4:00 p.m.; and the Special Order Calendar group was granted permission to meet February 16 from 1:00 p.m. until 1:15 p.m.

MOTIONS

On motion by Senator Thrasher, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Tuesday, February 14.

On motion by Senator Thrasher, the rules were waived and **HB 7051** which passed February 9 was immediately certified to the House.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special and Continuing Order Calendar for Monday, February 13, 2012 and Tuesday, February 14, 2012: CS for SB 186, SB 436, CS for SB 692, SM 1822, CS for SB 2026, SB 2028, CS for SB 226, SB 276, CS for SB 346, SB 528, CS for CS for SB 600, CS for SB 780, SB 894, SB 896, SB 898, SB 900, CS for CS for SB 206, SB 990, SM 1080, SM 1482, CS for SM 1486, SM 1528, CS for SB 1856, SB 2058, CS for CS for SB 2038.

Respectfully submitted,
John Thrasher, Chair

The Committee on Agriculture recommends the following pass: SB 1426; SB 1430; CS for SB 1782; CS for SB 1858

The Committee on Community Affairs recommends the following pass: CS for SB's 590 and 568; CS for SB 1022; SB 1226

The Committee on Health Regulation recommends the following pass: SB 1474; SB 1808

The Committee on Judiciary recommends the following pass: SJR 108 with 1 amendment; SB 442; SJR 720

The bills contained in the foregoing reports were referred to the Committee on Budget under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends the following pass: SB 2080

The Committee on Judiciary recommends the following pass: SB 534

The bills were placed on the Calendar.

The Committee on Budget Subcommittee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for SB 682; CS for SB 694; SB 850; SB 1658

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: CS for SB 554; CS for SB 964; SB 1382

The Committee on Community Affairs recommends a committee substitute for the following: SB 576

The Committee on Criminal Justice recommends committee substitutes for the following: SB 762; CS for SB 834; SB 1272; SB 1846

The Committee on Health Regulation recommends committee substitutes for the following: SB 1228; SB 1316; SB 1350; CS for SB 1516

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 370; SB 462; SB 748; SB 802; SJR 838; CS for SB 1196; SB 1202; CS for SB 1404; SB 2044

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Budget under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 212

The Committee on Health Regulation recommends a committee substitute for the following: SB 282

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 460

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Communications, Energy, and Public Utilities recommends committee substitutes for the following: SB 1158; SB 1244

The bills with committee substitute attached were referred to the Committee on Environmental Preservation and Conservation under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1172

The Committee on Health Regulation recommends a committee substitute for the following: SB 1506

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB's 232, 848 and 870

The Committee on Judiciary recommends a committee substitute for the following: SB 1662

The bills with committee substitute attached were placed on the Calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Agriculture recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

*For Term
Ending*

Executive Director, Department of Citrus

Appointee: Ackerman, Douglas R. 06/30/2015

The Committee on Criminal Justice recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

*For Term
Ending*

Capital Collateral Regional Counsel - Southern Region

Appointee: Dupree, Neal A. 09/30/2012

Criminal Conflict and Civil Regional Counsel - Second District Court of Appeal

Appointee: Neymotin, Esquire, Ita M. 07/01/2015

Criminal Conflict and Civil Regional Counsel - Third District Court of Appeal

Appointee: Zenobi, Esquire, Eugene F. 07/01/2015

Criminal Conflict and Civil Regional Counsel - Fourth District Court of Appeal

Appointee: Ryan, Esquire, Antony Parker 07/01/2015

Criminal Conflict and Civil Regional Counsel - Fifth District Court of Appeal

Appointee: Deen, Esquire, Jeffrey D. 07/01/2015

The appointments were referred to the Rules Subcommittee on Ethics and Elections under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SR 2102—Not referenced.

By the Committee on Commerce and Tourism—

SB 2104—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; revising the application process and requirements for appointment as a notary public; requiring that the Department of State adopt rules for the registration and approval of entities that offer courses on the duties of a notary public; directing that a portion of the surcharge on fees be used for certain purposes and deposited into the Operating Trust Fund of the Department of State; requiring the department to include a certain statement on the application; requiring the department to investigate complaints against a notary public and submit findings to the Executive Office of the Governor; requiring entities issuing bonds for notaries public to submit an annual report to the department; amending s. 117.021, F.S.; clarifying that the Governor is authorized to suspend a notary's commission; amending s. 117.05, F.S.; deleting obsolete provisions; conforming provisions to changes made by the act; amending s. 117.103, F.S., relating to certification of a notary's authority; conforming provisions to changes made by the act; amending s. 117.107, F.S.; revising provisions relating to the use of signature stamps; providing that a notary who notarizes the signature of a person

who is not in the presence of the notary is subject to suspension; amending s. 668.50, F.S.; deleting a provision that has been transferred to s. 117.01, F.S.; transferring certain responsibilities relating to the administration of notaries public from the Executive Office of the Governor to the Secretary of State; providing for an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Tourism; and Budget.

By the Committee on Commerce and Tourism—

SB 2106—A bill to be entitled An act relating to tipped employees; authorizing an employer to elect to guarantee that all tipped employees receive a wage, including tips, equal to a minimum percentage of the state minimum wage; requiring that the employer make the election in writing and prominently display it in the employer's premises; requiring that the election remain in effect for a specified period of time until revoked by the employer; providing that the employer is subject to civil actions and fines if the employer fails to pay a tipped employee the wage guaranteed under the act or engages in any discriminatory or retaliatory action; providing that an employer that pays a tipped employee the wage guaranteed is deemed to have fulfilled the employer's obligations with respect to payment of the state minimum wage; providing that the act does not affect the employer's obligation to comply with the federal Fair Labor Standards Act; providing an effective date.

—was referred to the Committees on Commerce and Tourism; and Regulated Industries.

BILLS REFERRED TO SUBCOMMITTEE

February 9, 2012

Pursuant to Senate Rule 4.6(4), the following has been referred to the Budget Subcommittee on Health and Human Services Appropriations which will report to this standing committee within 60 days: CS for SB 2048.

*Senator JD Alexander, Chair
Committee on Budget*

BILLS RECALLED FROM SUBCOMMITTEE

February 13, 2012

Pursuant to Senate Rule 4.6(4), the following which was referred to the Budget Subcommittee on General Government Appropriations has been recalled to this standing committee: SB 902.

*Senator JD Alexander, Chair
Committee on Budget*

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice; and Senator Oelrich—

CS for SB 212—A bill to be entitled An act relating to juvenile offenders; providing a short title; providing definitions; providing that a juvenile offender who was younger than 18 years of age at the time of commission of a nonhomicide offense and who is sentenced to life imprisonment is eligible for resentencing if the offender has been incarcerated for a minimum period; requiring an initial resentencing hearing to determine whether the juvenile offender has demonstrated maturity and reform for resentencing; providing criteria to determine maturity and reform; requiring a minimum term of probation for any juvenile offender resentenced by the court; providing consequences for probation violations; providing eligibility for a subsequent resentencing hearing after a specified period for juvenile offenders denied resentencing; providing an effective date.

By the Committees on Community Affairs; and Transportation; and Senators Norman, Oelrich, and Fasano—

CS for CS for SB's 232, 848 and 870—A bill to be entitled An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; providing an effective date.

By the Committee on Health Regulation; and Senators Wise and Storms—

CS for SB 282—A bill to be entitled An act relating to health care transition programs and services for adolescents and young adults who have special health care needs; providing legislative intent; establishing a program within the Division of Children's Medical Services Network in the Department of Health to oversee transitional services in this state using existing state plans in order to implement health care transition programs for adolescents and young adults who have special health care needs; specifying responsibilities of the program with respect to the oversight, implementation, and coordination of the program; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senators Wise and Lynn—

CS for CS for SB 370—A bill to be entitled An act relating to supervised visitation and exchange monitoring; creating s. 753.06, F.S.; adopting state standards for supervised visitation programs; requiring each program to annually affirm compliance with the standards to the court; providing that after a specified date only those programs that adhere to the state standards may receive state funding; creating s. 753.07, F.S.; providing factors for the court or child-placing agency to consider when referring cases for supervised visitation or exchange monitoring; specifying training requirements for persons providing such services; authorizing supervised visitation programs to alert the court to problems with referred cases; creating s. 753.08, F.S.; requiring supervised visitation programs to conduct security background checks of employees and volunteers; providing requirements for such checks; requiring that an employer furnish a copy of the personnel record for the employee or former employee upon request; providing immunity to employers who provide information for purposes of a background check; requiring that all applicants hired or certified by a program after a specified date undergo a level 2 background screening; delegating responsibility for screening criminal history information and for costs; authorizing a supervised visitation program to participate in the Volunteer and Employee Criminal History System in order to obtain criminal history information; providing that certain persons providing services at a supervised visitation program are presumed to act in good faith; providing that such persons acting in good faith are immune from civil and criminal liability; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Altman—

CS for SB 460—A bill to be entitled An act relating to intellectual disabilities; amending s. 39.502, F.S.; substituting the Arc of Florida for the Association for Retarded Citizens for purposes of certain proceedings relating to children; amending ss. 40.013, 86.041, 92.53, 92.54, and 92.55, F.S.; substituting the term "intellectual disability" for the term "mental retardation"; amending s. 320.10, F.S.; substituting the Arc of Florida for the Association for Retarded Citizens; amending ss. 383.14, 393.063, 393.11, and 394.455, F.S.; substituting the term "intellectual disability" for the term "mental retardation"; clarifying in s. 393.063, that the meaning of the terms "intellectual disability" or "intellectually disabled" is the same as the meaning of the terms "mental retardation," "retarded," and "mentally retarded" for purposes of matters relating to the criminal laws and court rules; amending s. 400.960, F.S.; revising definitions relating to intermediate care facilities for the developmentally disabled to delete unused terms; amending s. 408.032, F.S.; conforming a cross-reference; amending s. 409.908, F.S.; substituting the term "intellectually disabled" for the term "mentally retarded"; amending ss. 413.20, 440.49, and 499.0054, F.S.; substituting the term "intellectual disability" for the term "mental retardation"; amending s. 514.072, F.S.; conforming a cross-reference and deleting obsolete provisions; amending ss. 627.6041, 627.6615, 641.31, 650.05, 765.204, 849.04,

914.16, 914.17, 916.105, and 916.106, F.S.; substituting the term “intellectual disability” for the term “mental retardation”; amending s. 916.107, F.S.; substituting the term “intellectual disability” for the term “retardation”; providing a directive to the Division of Statutory Revision; amending ss. 916.301, 916.3012, 916.302, 916.3025, 916.303, 916.304, 918.16, 921.137, 941.38, 944.602, 945.025, 945.12, 945.42, 947.185, 984.19, 985.14, 985.145, 985.18, 985.19, 985.195, and 985.61, F.S.; clarifying in s. 921.137, F.S., that the terms “intellectual disability” or “intellectually disabled” are interchangeable with and have the same meaning as the terms “mental retardation,” or “retardation” and “mentally retarded,” as defined before the effective date of the act; substituting the term “intellectual disability” for the term “mental retardation”; expressing legislative intent; providing an effective date.

By the Committee on Judiciary; and Senator Bogdanoff—

CS for SB 462—A bill to be entitled An act relating to terms of courts; repealing s. 25.051, F.S., relating to regular terms of the Supreme Court; repealing s. 26.21, F.S., relating to terms of the circuit courts; repealing s. 26.22, F.S., relating to terms of the First Judicial Circuit; repealing s. 26.23, F.S., relating to terms of the Second Judicial Circuit; repealing s. 26.24, F.S., relating to terms of the Third Judicial Circuit; repealing s. 26.25, F.S., relating to terms of the Fourth Judicial Circuit; repealing s. 26.26, F.S., relating to terms of the Fifth Judicial Circuit; repealing s. 26.27, F.S., relating to terms of the Sixth Judicial Circuit; repealing s. 26.28, F.S., relating to terms of the Seventh Judicial Circuit; repealing s. 26.29, F.S., relating to terms of the Eighth Judicial Circuit; repealing s. 26.30, F.S., relating to terms of the Ninth Judicial Circuit; repealing s. 26.31, F.S., relating to terms of the Tenth Judicial Circuit; repealing s. 26.32, F.S., relating to terms of the Eleventh Judicial Circuit; repealing s. 26.33, F.S., relating to terms of the Twelfth Judicial Circuit; repealing s. 26.34, F.S., relating to terms of the Thirteenth Judicial Circuit; repealing s. 26.35, F.S., relating to terms of the Fourteenth Judicial Circuit; repealing s. 26.36, F.S., relating to terms of the Fifteenth Judicial Circuit; repealing s. 26.361, F.S., relating to terms of the Sixteenth Judicial Circuit; repealing s. 26.362, F.S., relating to terms of the Seventeenth Judicial Circuit; repealing s. 26.363, F.S., relating to terms of the Eighteenth Judicial Circuit; repealing s. 26.364, F.S., relating to terms of the Nineteenth Judicial Circuit; repealing s. 26.365, F.S., relating to terms of the Twentieth Judicial Circuit; repealing s. 26.37, F.S., relating to requiring a judge to attend the first day of each term of the circuit court; repealing s. 26.38, F.S., relating to a requirement for a judge to state a reason for nonattendance; repealing s. 26.39, F.S., relating to the penalty for nonattendance of the judge; repealing s. 26.40, F.S., relating to adjournment of the circuit court upon nonattendance of the judge; repealing s. 26.42, F.S., relating to calling all cases on the docket at the end of each term; repealing s. 35.10, F.S., relating to regular terms of the district courts of appeal; repealing s. 35.11, F.S., relating to special terms of the district courts of appeal; repealing s. 907.05, F.S., relating to a requirement that criminal trials be heard in the term of court prior to civil cases; repealing s. 907.055, F.S., relating to a requirement that persons in custody be arraigned and tried in the term of court unless good cause is shown; amending ss. 26.46, 27.04, 30.12, 30.15, 34.13, 35.05, and 38.23, F.S.; conforming provisions to changes made by the act; creating s. 43.43, F.S.; allowing the Supreme Court to set terms of court for the Supreme Court, district courts of appeal, and circuit courts; creating s. 43.44, F.S.; providing that appellate courts may withdraw a mandate within 120 days after its issuance; amending ss. 112.19, 206.215, 450.121, 831.10, 831.17, 877.08, 902.19, 903.32, 905.01, 905.09, 905.095, 914.03, 924.065, and 932.47, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Children, Families, and Elder Affairs; and Education Pre-K - 12; and Senators Ring and Fasano—

CS for CS for SB 554—A bill to be entitled An act relating to disability awareness; amending s. 1003.4205, F.S.; requiring that each district school board provide disability history and awareness instruction in all K-12 public schools; requiring that the Department of Education assist in creating the curriculum for the disability history and awareness instruction; providing for individual presenters who have disabilities to augment the disability history and awareness instruction; creating the Disability History and Awareness Advisory Council within the Department of Education; providing for certain individuals to apply

to the department for membership on the council; providing that the Commissioner of Education, the member of the Senate, and the member of the House of Representatives are ex officio, nonvoting members of the council; requiring that the department provide a liaison to assist the council; requiring that the department act as the fiscal agent for all financial transactions required by the council; providing responsibilities of the council; providing meeting times for the council; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 576—A bill to be entitled An act relating to public-private partnerships; creating s. 287.05712, F.S.; providing definitions; providing legislative findings and intent relating to the construction or upgrade of facilities by private entities which are used predominately for a public purpose; requiring public entities to develop and adopt guidelines governing procedures and criteria for the selection of projects and public-private agreements; providing procurement procedures; providing project-approval requirements; providing project qualifications and process; providing for notice to affected local jurisdictions; providing for interim and comprehensive agreements between the public and private entities; providing for use fees; providing for private financing requirements; providing powers and duties for private entities; providing for expiration or termination of agreements; providing for the applicability of sovereign immunity for public entities with respect to qualified projects; providing for construction of the act; providing an effective date.

By the Committees on Budget Subcommittee on Health and Human Services Appropriations; Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senators Richter, Sachs, Latvala, Joyner, Bennett, Gibson, and Dockery—

CS for CS for CS for SB 682—A bill to be entitled An act relating to Alzheimer's disease; establishing the Purple Ribbon Task Force within the Department of Elderly Affairs; providing for membership; providing that members shall serve without compensation or reimbursement for per diem or travel expenses; requiring the department to provide administrative support; providing duties of the task force; authorizing the task force to hold meetings by teleconference or other electronic means, or in person without compensation or reimbursement for per diem or travel expenses; requiring the task force to submit a report in the form of an Alzheimer's disease state plan to the Governor and Legislature; providing for termination of the task force; providing an effective date.

By the Committees on Budget Subcommittee on Health and Human Services Appropriations; Health Regulation; and Children, Families, and Elder Affairs; and Senators Fasano, Haridopolos, Norman, Sachs, Gaetz, Bullard, Garcia, and Dockery—

CS for CS for CS for SB 694—A bill to be entitled An act relating to adult day care centers; amending s. 429.917, F.S.; prohibiting an adult day care center from claiming to be licensed or designated as a specialized Alzheimer's services adult day care center under certain circumstances; creating s. 429.918, F.S.; providing a short title; providing definitions; providing for the licensure designation of adult day care centers that provide specialized Alzheimer's services by the Agency for Health Care Administration; providing for the denial or revocation of such designation under certain circumstances; requiring an adult day care center seeking such designation to meet specified criteria; providing educational and experience requirements for the operator of an adult day care center seeking licensure designation as a specialized Alzheimer's services adult day care center; providing criteria for staff training and supervision; requiring the Department of Elderly Affairs to approve the staff training; requiring the department to adopt rules; requiring that the employee be issued a certificate upon completion of the staff training; providing requirements for staff orientation; providing requirements for admission into such an adult day care center; requiring that a participant's file include a data sheet, which shall be completed within a certain timeframe; requiring that certain information be included in the data sheet; requiring that dementia-specific services be documented in a participant's file; requiring that a participant's plan of care be reviewed quarterly; requiring that certain notes be entered into a participant's file; requiring the participant, or caregiver, to provide the adult day care center with updated medical documentation; requiring the center to give each person who enrolls as a participant, or the

caregiver, a copy of the participant's plan of care and safety information; requiring that the center coordinate and execute discharge procedures with a participant who has a documented diagnosis of Alzheimer's disease or a dementia-related disorder and the caregiver if the participant's enrollment in the center is involuntarily terminated; providing that the act does not prohibit a licensed adult day care center that does not receive such a designation from providing adult day care services to persons who have Alzheimer's disease or other dementia-related disorders; authorizing the Department of Elderly Affairs to adopt rules; providing an effective date.

By the Committee on Judiciary; and Senator Diaz de la Portilla—

CS for SB 748—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.08, F.S.; revising the factors to be considered for alimony awards, including adultery; requiring a court to make certain written findings concerning alimony; providing that if the court orders a party to provide security to protect an award of alimony, the court may so order only upon a showing of special circumstances; requiring that the court make specific evidentiary findings regarding the availability, cost, and financial impact on the obligated party to support the award of security; revising provisions for an award of durational alimony; redesignating permanent alimony as long-term alimony and revising provisions relating to its award; amending s. 61.14, F.S.; prohibiting a court from reserving jurisdiction to reinstate an alimony award if a supportive relationship ends; providing that a modification or termination of an alimony award is retroactive to the date of filing; requiring the court to consider certain specified factors in determining if the obligor's retirement is reasonable; amending s. 61.19, F.S.; prohibiting the court from granting a final dissolution of marriage with a reservation of jurisdiction during the first 180 days after the date of service of the original petition for dissolution of marriage to subsequently determine all other substantive issues except in exceptional circumstances; authorizing the court to grant a final dissolution of marriage with a reservation of jurisdiction to subsequently determine all other substantive issues only if the court enters such other temporary orders as are necessary to protect the interests of the parties and their children; providing circumstances in which the court is not required to enter a temporary order; providing an effective date.

By the Committee on Criminal Justice; and Senator Hays—

CS for SB 762—A bill to be entitled An act relating to reducing and streamlining regulations; amending ss. 455.271, 468.4338, 468.525, 468.8317, 468.8417, 475.615, 475.617, 475.6175, 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315, 489.116, and 489.519, F.S.; revising certain licensure requirements and continuing education requirements for reactivating a license, certificate, or registration to practice certain professions and occupations regulated by the Department of Business and Professional Regulation or a board or council within the department, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture and interior design, landscape architecture, construction contracting, and electrical and alarm system contracting; creating s. 468.439, F.S.; providing conditions that collection service expenses that are reasonably related to the collection of a delinquent account rendered by a community association manager or management firm on behalf of certain community associations may be secured by the filing of a claim of lien; amending s. 469.002, F.S.; providing an exemption from licensure as an asbestos consultant or contractor for activities involving pipe or conduit used for gas service; amending s. 475.6235, F.S.; revising registration requirements for appraisal management companies; amending ss. 468.391, 475.25, 475.42, 475.624, 475.6245, 475.626, 476.194, and 477.0265, F.S., relating to auctioneering, real estate brokering and appraisal, barbering, and cosmetology; revising language with respect to certain penalties; revising grounds for discipline to which penalties apply; amending s. 475.628, F.S.; requiring the Florida Real Estate Appraisal Board to adopt rules establishing professional practice standards; amending s. 373.461, F.S.; requiring certain appraisers to follow specific standards of professional practice in appraisals involving the restoration of the Lake Apopka Basin; amending s. 468.841, F.S.; exempting landscape architects from complying with provisions related to mold assessment; amending s. 475.611, F.S.; revising the definition of the terms "appraisal management company" and "appraisal management services"; amending s. 475.6171, F.S.; revising requirements for

the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; revising provisions relating to titles an appraisal management company must be registered to use; providing exemptions from registration requirements; amending s. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; providing an effective date.

By the Committees on Judiciary; and Environmental Preservation and Conservation—

CS for SB 802—A bill to be entitled An act relating to premises liability; amending s. 375.251, F.S.; providing that an owner or lessee who makes an area available to another person for hunting, fishing, or wildlife viewing is entitled to certain limitations on liability if notice is provided to a person upon entry to the area or is posted conspicuously on the area; providing that an owner of an area who enters into a written agreement with the state for the area to be used for outdoor recreational purposes is entitled to certain limitations on liability; deleting a requirement that the area be leased to the state in order for the limitations on liability to apply; defining the term "area"; making technical and grammatical changes; providing an effective date.

By the Committees on Criminal Justice; Education Pre-K - 12; and Education Pre-K - 12—

CS for CS for SB 834—A bill to be entitled An act relating to juvenile justice education and workforce programs; amending s. 985.03, F.S.; providing a definition for the term "juvenile justice education programs" for purposes of the act; amending s. 985.46, F.S.; requiring that each juvenile committed to a juvenile justice commitment program have a transition plan upon release; requiring that the transition plan include an education transition plan component and information regarding delinquency treatment and intervention services that are accessible upon exiting the program; amending s. 985.618, F.S.; providing legislative intent regarding juvenile justice education and workforce-related programs; requiring that the Department of Juvenile Justice, in collaboration with the Department of Education, annually verify that each juvenile justice education program meets specified minimum standards; requiring that the department collaborate with certain entities to adopt rules; amending s. 985.632, F.S.; conforming provisions to changes made by the act; requiring that the Department of Education rather than the Department of Juvenile Justice ensure that there is accurate cost accounting for certain education programs; requiring that the Department of Education submit annual cost data to the department; requiring that the effectiveness of juvenile justice education programs be determined by implementing systematic data collection, data analysis, and evaluations; requiring that the programs be evaluated based on student performance outcomes; requiring that the Department of Juvenile Justice, in collaboration with the Department of Education and in consultation with other entities, prepare and submit an annual report to the Governor and the Legislature by a specified date; amending s. 985.721, F.S.; conforming a cross-reference; amending s. 1001.42, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending ss. 1002.20 and 1002.45, F.S.; conforming cross-references; amending s. 1003.01, F.S.; revising the term "juvenile justice education programs or schools" to conform to changes made by the act; creating s. 1003.515, F.S.; providing a short title; providing a legislative finding; providing purposes of the Florida Juvenile Justice Education Act; providing a definition for the term "juvenile justice education programs"; providing responsibilities for school districts and private providers contracted by school districts to offer education services to youth in juvenile justice education programs; requiring that each juvenile justice residential and nonresidential program involve the regional workforce board or economic development agency and local postsecondary institutions to determine the occupational areas for the education and workforce-related program; providing requirements for education and workforce-related services in juvenile justice programs; providing responsibilities for the Department of Education; requiring that the department identify each juvenile justice residential and nonresidential education program, excluding detention programs, by performance rat-

ings; providing criteria for determining performance ratings; requiring that the department make available a common student pre- and post-assessment to measure the academic progress in reading and mathematics of youth in juvenile justice education programs; requiring that juvenile justice residential and nonresidential education programs, excluding detention centers, be held accountable for student performance outcomes for a specified period after youth are released from the programs; providing for program accountability; requiring that the department monitor the education performance of youth, prohibit certain school district or private providers, under specified circumstances, from delivering education services, and verify that a school district is operating or contracting to deliver education services; providing for a school district's responsibilities; requiring that a youth who exits the program attain an industry certification, enroll in a program to complete the industry certification, be gainfully employed, or enroll in and continue his or her education based on a transition plan; requiring that an education transition plan component be incorporated in a youth's transition plan; requiring that each juvenile justice education program develop the education transition plan component during the course of the youth's stay in a juvenile justice residential or nonresidential program; providing funding requirements for the juvenile justice education programs; prohibiting a district school board from being charged rent, maintenance, utilities, or overhead on facilities; requiring that the Department of Juvenile Justice provide maintenance, repairs, and remodeling of existing facilities; requiring that the State Board of Education collaborate with the Department of Juvenile Justice, the Department of Economic Opportunity, school districts, and private providers to adopt rules; repealing s. 1003.52, F.S., relating to educational services in Department of Juvenile Justice programs; amending s. 1009.25, F.S.; providing an exemption from the payment of postsecondary education fees and tuition for certain youth who are ordered by a court to participate in a juvenile justice residential program; amending s. 1011.62, F.S.; extending dates relating to the funding of students who are enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities; conforming a cross-reference; providing an effective date.

By the Committee on Judiciary; and Senator Diaz de la Portilla—

CS for SJR 838—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to authorize counties and municipalities to limit the assessed value of the homesteads of certain low-income senior citizens.

By the Committee on Budget Subcommittee on Health and Human Services Appropriations; and Senator Oelrich—

CS for SB 850—A bill to be entitled An act relating to pharmacy; amending s. 465.189, F.S.; revising the types of vaccines that pharmacists may administer under certain circumstances; authorizing pharmacists to administer an influenza vaccine, an epinephrine autoinjection, or a shingles vaccine within the framework of an established protocol under certain circumstances; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy" to conform to changes made by the act; amending s. 465.009, F.S.; revising continuing professional pharmaceutical educational requirements with respect to administering such vaccines or autoinjection; providing effective dates.

By the Committees on Children, Families, and Elder Affairs; and Criminal Justice; and Senators Benacquisto, Gaetz, Lynn, and Hays—

CS for CS for SB 964—A bill to be entitled An act relating to protection of minors; providing a short title; amending s. 775.21, F.S.; requiring a person convicted of a second or subsequent violation of a specified video voyeurism provision to register as a sexual offender if the victim of the violation was a minor; amending s. 827.071, F.S.; providing that if more than one child is involved in a violation of provisions prohibiting sexual performance by a child, a separate offense may be charged for each child; amending s. 943.0435, F.S.; requiring a person convicted of a video voyeurism violation to register as a sexual offender if the victim of the violation was a minor; amending ss. 944.606 and 944.607, F.S.; redefining the term "sexual offender"; amending s. 810.145, F.S.; revising the definition of the term "place and time when a person has a reasonable expectation of privacy" to include the interior of

a residential dwelling; increasing the classification of specified video voyeurism offenses involving minors; amending s. 921.0022, F.S.; ranking a violation of s. 810.145(8)(b), F.S., above its default value for purposes of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senator Evers—

CS for SB 1158—A bill to be entitled An act relating to the development of oil and gas resources; authorizing a land management agency to enter into a public-private partnership with a business entity to develop oil and gas resources upon onshore state lands if the development yields near-term revenues for the state; providing that the financial, technical, and operational risk for the exploration, development, and production of oil and gas resources is the responsibility of the private business entity; requiring that a business entity seeking a public-private partnership contract submit a business proposal to the agency for review; specifying the information to be included in the business proposal; providing criteria for the agency to use in selecting the exploration proposal by a business entity; requiring that the geophysical data and the subsequent interpretation be made available to the agency or its representative for review but remain in the possession of the business entity; providing criteria for the public-private partnership contract; requiring a proposed public-private partnership contract to be approved by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund; providing an effective date.

By the Committee on Criminal Justice; and Senator Detert—

CS for SB 1172—A bill to be entitled An act relating to criminal conduct; amending s. 827.03, F.S.; defining the term "mental injury" with respect to the offenses of abuse, aggravated abuse, and neglect of a child; requiring that a physician or psychologist acting as an expert witness in certain proceedings have certain credentials; amending ss. 775.084, 775.0877, 782.07, 921.0022, and 948.062, F.S.; conforming cross-references; amending s. 960.03, F.S.; redefining the term "crime" for purposes of crime victims compensation to include additional forms of injury; redefining the term "victim" to conform with the modified definition of the term "crime"; providing an effective date.

By the Committees on Judiciary; and Community Affairs; and Senator Bennett—

CS for CS for SB 1196—A bill to be entitled An act relating to residential construction warranties; creating s. 553.835, F.S.; providing legislative findings; providing legislative intent to affirm the limitations to the doctrine of implied warranty of fitness and merchantability or habitability associated with the construction and sale of a new home; providing a definition; prohibiting a cause of action in law or equity based upon the doctrine of implied warranty of fitness and merchantability or habitability for offsite improvements; providing that the existing rights of purchasers of homes or homeowners' associations to pursue certain causes of action are not altered or limited; providing for applicability of the act; providing for severability; providing an effective date.

By the Committee on Judiciary; and Senator Bogdanoff—

CS for SB 1202—A bill to be entitled An act relating to construction liens and bonds; amending s. 95.11, F.S.; adding a cross-reference; deleting a provision for the limitation of actions against a bond; amending s. 255.05, F.S.; requiring that the bond number be stated on the first page of the bond; providing that a provision in a payment bond furnished for a public works contract that limits or expands the effective duration of the bond or adds conditions precedent is unenforceable; requiring a contractor, or the contractor's attorney, to serve rather than mail a notice of contest of claim against the payment bond; providing additional time for service when the bond is not recorded; specifying the duration of the bond; providing that payment to a contractor who has furnished a payment bond on a public works project may not be conditioned upon production of certain documents; providing prerequisites for commencement of an action against a payment bond; creating s. 255.0518, F.S.; requiring that the state, a county, a municipality, or any other

public body or institution open sealed bids received in response to a competitive solicitation at a public meeting, announce the name of each bidder and the price submitted, and make available upon request the names of bidders and submitted prices; amending s. 713.10, F.S.; providing that a specified notice concerning a lessor's liability for liens for improvements made by the lessee prohibits liens even if other leases do not expressly prohibit liens or if certain other provisions are not identical; amending s. 713.13, F.S.; revising a notice form to clarify that the notice of commencement expires 1 year after the date of recording; removing a perjury clause; providing additional time for service when a notice of commencement is not recorded with a copy of the bond attached; amending s. 713.132, F.S.; requiring notice of termination to be served on lienors in privity with the owner; amending s. 713.16, F.S.; revising requirements for demands for a copy of a construction contract and a statement of account; authorizing a lienor to make certain written demands to an owner for certain written statements; providing requirements for such written demands; amending s. 713.18, F.S.; providing additional methods by which certain items may be served; revising provisions relating to when service of specified items is effective; specifying requirements for certain written instruments under certain circumstances; amending s. 713.22, F.S.; requiring that the clerk serve rather than mail a notice of contest of lien; amending s. 713.23, F.S.; revising the contents of a notice to contractor; requiring that a contractor serve rather than mail a notice of contest of claim against the payment bond and a notice of bond; clarifying the attachment of the bond to the notice; providing that a provision in a payment bond that limits or expands the effective duration of the bond or adds conditions precedent is unenforceable; clarifying applicability of certain provisions; providing an effective date.

By the Committee on Health Regulation; and Senator Montford—

CS for SB 1228—A bill to be entitled An act relating to physical therapy; creating ss. 486.0715 and 486.1065, F.S.; authorizing issuance of a temporary permit to practice as a physical therapist or physical therapist assistant; providing requirements for issuing a temporary permit; providing for voiding of a temporary permit; providing requirements for the supervision of temporary permittees; amending s. 486.151, F.S.; prohibiting certain acts concerning temporary permits; providing an effective date.

By the Committee on Communications, Energy, and Public Utilities; and Senators Hays, Storms, and Fasano—

CS for SB 1244—A bill to be entitled An act relating to water and wastewater utilities; creating the Study Committee on Investor-Owned Water and Wastewater Utility Systems; providing for membership and terms of service; prohibiting compensation of the members; providing for reimbursement of the members for certain expenses; providing for removal or suspension of members by the appointing authority; requiring the Public Service Commission to provide staff, information, assistance, and facilities that are deemed necessary for the committee to perform its duties; providing for funding from the Florida Public Service Regulatory Trust Fund; providing duties of the committee; providing for public meetings; requiring the committee to report its findings to the Governor, the Legislature, and appropriate agencies and make certain recommendations; providing for future termination of the committee; providing an effective date.

By the Committee on Criminal Justice; and Senator Latvala—

CS for SB 1272—A bill to be entitled An act relating to possession of a firearm or destructive device during the commission of an offense; amending s. 775.087, F.S.; providing that an exception to the 10-year minimum term for persons convicted of certain offenses during which the person actually possessed a firearm or destructive device does not apply to offenders convicted for possession of a firearm by a felon who have certain prior convictions; providing an effective date.

By the Committee on Health Regulation; and Senator Gaetz—

CS for SB 1316—A bill to be entitled An act relating to health care; amending s. 395.002, F.S.; redefining the term “accrediting organizations” as it applies to the regulation of hospitals and other licensed fa-

cilities; amending s. 400.474, F.S.; revising the fine that may be imposed against a home health agency for failing to timely submit certain information to the Agency for Health Care Administration; amending s. 400.9905, F.S.; revising the definition of the term “clinic” as it relates to the Health Care Clinic Act; amending s. 409.221, F.S.; revising the background screening requirements for persons rendering care in the consumer-directed care program administered by the Agency for Health Care Administration; amending s. 409.907, F.S.; extending the records-retention period for certain Medicaid provider records; revising the provider agreement to require Medicaid providers to report changes in any principal of the provider to the agency; defining the term “administrative fines” for purposes of revoking a Medicaid provider agreement due to changes of ownership; authorizing, rather than requiring, an onsite inspection of a Medicaid provider's service location before entering into a provider agreement; specifying the principals of a hospital or nursing home provider for the purposes of submitting fingerprints for background screening; removing certain providers from being subject to agency background checks; amending s. 409.913, F.S.; defining the term “Medicaid provider” or “provider” for purposes of oversight of the integrity of the Medicaid program; authorizing the agency to review and analyze information from sources other than Medicaid-enrolled providers for purposes of determining fraud, abuse, overpayment, or neglect; extending the records-retention period for certain Medicaid provider records; revising the grounds for terminating a provider from the Medicaid program; requiring the agency to base its overpayment audit reports on certain information; deleting a requirement that the agency pay interest on certain withheld Medicaid payments; requiring payment arrangements for overpayments and fines to be made within a certain time; specifying that the venue for all Medicaid program integrity cases lies in Leon County; authorizing the agency and the Medicaid Fraud Control Unit to review certain records; amending s. 409.920, F.S.; clarifying the applicability of immunity from civil liability extended to persons who provide information about fraud or suspected fraudulent acts by a Medicaid provider; amending s. 409.967, F.S.; specifying required components of a Medicaid managed care plan relating to the provisions of medications; amending s. 429.23, F.S.; requiring the agency to submit a report to the Legislature on adverse incident reports from assisted living facilities; amending s. 429.26, F.S.; authorizing the agency to require a resident of an assisted living facility to undergo a physical examination if the agency questions the appropriateness of the resident's placement in that facility; authorizing release of the results of the examination to a medical review team to be used along with additional information to determine whether the resident's placement in the assisted living facility is appropriate; providing for resident notification and relocation if the resident's continued placement in the facility is not appropriate; authorizing the agency to require the evaluation of a mental health resident by a mental health professional; authorizing an assisted living facility to discharge a resident who requires more services or care than the facility is able to provide; amending s. 456.0635, F.S.; revising the grounds under which the Department of Health or corresponding board is required to refuse to admit a candidate to an examination and refuse to issue or renew a license, certificate, or registration of a health care practitioner; providing an exception; amending s. 456.036, F.S.; providing that all persons who were denied renewal of licensure, certification, or registration under s. 456.0635(3), F.S., may regain licensure, certification, or registration only by completing the application process for initial licensure; providing an exception; amending s. 456.074, F.S.; revising the federal offenses for which the Department of Health must issue an emergency order suspending the license of certain health care professionals; amending ss. 458.309 and 459.005, F.S.; requiring a physician or osteopathic physician who performs certain medical procedures relating to liposuction in an office setting to register the office with the Department of Health unless that office is licensed as a facility under ch. 395, F.S., relating to hospital licensing and regulation; amending s. 463.002, F.S.; conforming provisions to changes made by the act; amending s. 463.005, F.S.; authorizing the Board of Optometry to adopt rules for the administration and prescription of ocular pharmaceutical agents; amending s. 463.0055, F.S.; authorizing certified optometrists to administer and prescribe pharmaceutical agents under certain circumstances; requiring that a certified optometrist complete a course and subsequent examination on general and ocular pharmacology; providing requirements for the course; requiring that the Florida Medical Association and the Florida Optometric Association jointly develop and administer the course and examination; revising qualifications of certain members of the formulary committee; providing for a formulary of topical ocular pharmaceutical agents which the committee may modify; specifying the agents that make up the

statutory formulary of oral pharmaceutical agents; authorizing the deletion of an oral pharmaceutical agent listed in the statutory formulary under certain circumstances; prohibiting the board, the Department of Health, or the State Surgeon General from deleting an oral pharmaceutical agent listed in the statutory formulary; amending ss. 463.0057 and 463.006, F.S.; conforming provisions to changes made by the act; amending s. 463.0135, F.S.; requiring that a certified optometrist administer and prescribe oral ocular pharmaceutical agents in a certain manner; requiring that a licensed practitioner who diagnoses a patient who has a neovascular form of glaucoma or progressive glaucoma immediately refer the patient to a physician who is skilled in the diseases of the eye; requiring that comanagement of postoperative care be conducted pursuant to an established protocol; requiring that the patient be informed that a physician will be available for emergency care throughout the postoperative period; requiring that the patient consent in writing to the comanagement relationship; amending s. 463.014, F.S.; revising certain prohibited acts regarding an optometrist conducting surgery and dispensing, administering, ordering, supplying, or selling certain drugs; creating s. 463.0141, F.S.; requiring that adverse incidents in the practice of optometry be reported to the Department of Health; providing requirements for notifying the department of an adverse incident; providing a definition; requiring that the department review each incident and determine whether it involved conduct that is subject to disciplinary action; requiring that the Board of Optometry take disciplinary action if necessary; amending s. 483.035, F.S., relating to licensure and regulation of clinical laboratories operated by practitioners for exclusive use; providing applicability to clinical laboratories operated by practitioners licensed to practice optometry; amending s. 483.041, F.S.; revising the definition of the term "licensed practitioner" to include a practitioner licensed under ch. 463, F.S.; amending s. 483.181, F.S.; requiring clinical laboratories to accept human specimens submitted by practitioners licensed to practice under ch. 463, F.S.; amending s. 499.003, F.S.; removing a requirement that a contract provider or subcontractor maintain prescription drugs of the agency or entity in its possession separate and apart from other prescription drugs; amending s. 766.102, F.S.; providing that the claimant has the burden of proving by clear and convincing evidence that the actions of a health care provider represented a breach of the prevailing professional standard of care in an action for damages based on death or personal injury which alleges that the death or injury resulted from the failure of a health care provider to order, perform, or administer supplemental diagnostic tests; amending s. 766.106, F.S.; authorizing a prospective defendant to obtain informal discovery by conducting ex parte interviews of treating health care providers; requiring advance notice to the claimant of an ex parte interview; creating s. 766.1091, F.S.; authorizing a health care provider or health care clinic and a patient to agree to submit a claim of medical negligence to arbitration; requiring that the arbitration agreement be governed by ch. 682, F.S.; authorizing the arbitration agreement to contain a provision that limits an award of damages; amending s. 893.02, F.S.; revising the definition of the term "practitioner" to include certified optometrists for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.05, F.S.; prohibiting certified optometrists from administering and prescribing certain controlled substances; requiring the Agency for Health Care Administration to prepare a report for public comment and submission to the Legislature following the expansion of services to new populations or of new services; providing effective dates.

By the Committee on Health Regulation; and Senator Sobel—

CS for SB 1350—A bill to be entitled An act relating to cancer control; amending s. 1004.435, F.S.; revising legislative intent to delete provisions relating to research activities for cancer control; changing the name of the cancer control and research advisory council to the Florida Cancer Control and Resource Advisory Council; providing for the appointment and terms of council members and duties of the council; providing for a nominating committee to make recommendations for gubernatorial appointments to the council; providing for council membership categories; providing for an executive committee of the council and duties of the committee; authorizing consultants to the council; providing duties of the council for the development, review, and approval of the Florida Cancer Plan; deleting responsibilities of the council and the Board of Governors of the State University System relating to cancer research; authorizing the Department of Health to adopt rules for implementation of the section; providing department duties relating to the development and establishment of the Florida Cancer Plan; revising the

name of the cancer control fund and deleting the use of funds for cancer research; amending ss. 458.324 and 459.0125, F.S.; conforming cross-references; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Bennett—

CS for SB 1382—A bill to be entitled An act relating to service animals; providing a short title; amending s. 413.08, F.S.; removing provisions related to service animals; creating s. 413.083, F.S.; providing definitions; specifying rights of an individual accompanied by a service animal; providing that documentation that a service animal is trained is not a precondition for providing certain services to an individual accompanied by a service animal; authorizing a public accommodation to make certain inquiries regarding the animal; providing restrictions for a public accommodation imposing a deposit or surcharge; providing for liability of an individual accompanied by or the trainer of a service animal under certain circumstances; providing responsibility for care and supervision of a service animal; providing conditions for exclusion or removal of a service animal from a public accommodation; providing penalties for denying or interfering with admittance to or enjoyment of a public accommodation; specifying rights to housing accommodations for an individual accompanied by a service animal; providing limitations; providing rights of housing to the owner or trainer of a service animal; providing a penalty for misrepresentation as an owner or trainer; amending s. 252.355, F.S.; conforming a cross-reference; providing an effective date.

By the Committees on Judiciary; and Banking and Insurance; and Senator Altman—

CS for CS for SB 1404—A bill to be entitled An act relating to title insurance; amending s. 626.2815, F.S.; specifying continuing education requirements for title insurance agents; amending s. 626.8437, F.S.; specifying additional grounds to deny, suspend, revoke, or refuse to renew or continue the license or appointment of a title insurance agent or agency; amending s. 626.8473, F.S.; requiring an attorney serving as a title or real estate settlement agent to deposit and maintain certain funds in a separate trust account and permit the account to be audited by the applicable title insurer, unless prohibited by the rules of The Florida Bar; amending s. 627.777, F.S.; providing procedures and requirements relating to the approval or disapproval of title insurance forms by the Office of Insurance Regulation; amending s. 627.782, F.S.; requiring title insurance agencies and certain insurers to submit specified information to the office to assist in the analysis of title insurance premium rates, title search costs, and the condition of the title insurance industry; requiring the Financial Services Commission to adopt rules; providing an effective date.

By the Committee on Health Regulation; and Senator Thrasher—

CS for SB 1506—A bill to be entitled An act relating to health care; amending s. 463.002, F.S.; conforming provisions to changes made by the act; amending s. 463.005, F.S.; authorizing the Board of Optometry to adopt rules for the administration and prescription of ocular pharmaceutical agents; amending s. 463.0055, F.S.; authorizing certified optometrists to administer and prescribe pharmaceutical agents under certain circumstances; requiring that a certified optometrist complete a course and subsequent examination on general and ocular pharmacology; providing requirements for the course; requiring that the Florida Medical Association and the Florida Optometric Association jointly develop and administer the course and examination; revising qualifications of certain members of the formulary committee; providing for a formulary of topical ocular pharmaceutical agents which the committee may modify; specifying the agents that make up the statutory formulary of oral pharmaceutical agents; authorizing the deletion of an oral pharmaceutical agent listed in the statutory formulary under certain circumstances; prohibiting the board, the Department of Health, or the State Surgeon General from deleting an oral pharmaceutical agent listed in the statutory formulary; amending ss. 463.0057 and 463.006, F.S.; conforming provisions to changes made by the act; amending s. 463.0135, F.S.; requiring that a certified optometrist administer and prescribe oral ocular pharmaceutical agents in a certain manner; requiring that a licensed practitioner who diagnoses a patient who has a neovascular form of glaucoma or progressive glaucoma immediately

refer the patient to a physician who is skilled in the diseases of the eye; requiring that comanagement of postoperative care be conducted pursuant to an established protocol; requiring that the patient be informed that a physician will be available for emergency care throughout the postoperative period; requiring that the patient consent in writing to the comanagement relationship; amending s. 463.014, F.S.; revising certain prohibited acts regarding an optometrist conducting surgery and dispensing, administering, ordering, supplying, or selling certain drugs; creating s. 463.0141, F.S.; requiring that adverse incidents in the practice of optometry be reported to the Department of Health; providing requirements for notifying the department of an adverse incident; providing a definition; requiring that the department review each incident and determine whether it involved conduct that is subject to disciplinary action; requiring that the Board of Optometry take disciplinary action if necessary; amending s. 483.035, F.S., relating to licensure and regulation of clinical laboratories operated by practitioners for exclusive use; providing applicability to clinical laboratories operated by practitioners licensed to practice optometry; amending s. 483.041, F.S.; revising the definition of the term "licensed practitioner" to include a practitioner licensed under ch. 463, F.S.; amending s. 483.181, F.S.; requiring clinical laboratories to accept human specimens submitted by practitioners licensed to practice under ch. 463, F.S.; amending s. 766.102, F.S.; providing that the claimant has the burden of proving by clear and convincing evidence that the actions of a health care provider represented a breach of the prevailing professional standard of care in an action for damages based on death or personal injury which alleges that the death or injury resulted from the failure of a health care provider to order, perform, or administer supplemental diagnostic tests; amending s. 766.106, F.S.; authorizing a prospective defendant to obtain informal discovery by conducting ex parte interviews of treating health care providers; requiring advance notice to the claimant of an ex parte interview; creating s. 766.1091, F.S.; authorizing a health care provider or health care clinic and a patient or prospective patient to agree to submit a current or future claim of medical negligence to arbitration; requiring that the arbitration agreement be governed by ch. 682, F.S.; authorizing the arbitration agreement to contain a provision that limits an award of damages; amending s. 893.02, F.S.; revising the definition of the term "practitioner" to include certified optometrists for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.05, F.S.; prohibiting certified optometrists from administering and prescribing certain controlled substances; providing an effective date.

By the Committees on Health Regulation; and Children, Families, and Elder Affairs; and Senators Negron and Garcia—

CS for CS for SB 1516—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 393.062, F.S.; providing additional legislative findings relating to the provision of services for individuals who have developmental disabilities; reordering and amending s. 393.063, F.S.; revising definitions and providing new definitions for "adult day services," "nonwaiver resources," and "waiver"; amending s. 393.065, F.S.; clarifying provisions relating to eligibility requirements based on citizenship and state residency; amending s. 393.066, F.S.; revising provisions relating to community services and treatment; requiring the agency to promote partnerships and collaborative efforts to enhance the availability of nonwaiver services; revising an express list of services; deleting a requirement that the agency promote day habilitation services for certain clients; amending s. 393.0661, F.S.; revising provisions relating to eligibility under the Medicaid waiver redesign; providing that final tier eligibility be determined at the time a waiver slot and funding are available; providing criteria for moving a client between tiers; deleting a cap on tier one expenditures for certain clients; authorizing the agency and the Agency for Health Care Administration to adopt rules; deleting certain directions relating to the adjustment of a client's cost plan; providing criteria for reviewing Medicaid waiver provider agreements for support coordinator services; deleting obsolete provisions; amending s. 393.0662, F.S.; providing criteria for calculating a client's initial iBudget; deleting obsolete provisions; amending s. 393.067, F.S.; providing that facilities that are accredited by certain organizations must be inspected and reviewed by the agency every 2 years; providing agency criteria for monitoring licensees; amending s. 393.068, F.S.; conforming a cross-reference; amending s. 393.11, F.S.; clarifying eligibility for involuntary admission to residential services; amending s. 393.125, F.S.; requiring the Department of Children and Family Services to submit its hearing recommendations to the agency; amending s. 393.23, F.S.; providing that

receipts from the operation of canteens, vending machines, and other activities may be used to pay client wages at sheltered workshops; amending s. 393.502, F.S.; revising the membership of family care councils; amending s. 409.906, F.S.; providing limitations on the amount of cost sharing which may be required of parents for home and community-based services provided to their minor children; authorizing the adoption of rules relating to cost sharing; amending s. 514.072, F.S.; conforming a cross-reference; deleting an obsolete provision; providing an effective date.

By the Committee on Budget Subcommittee on Health and Human Services Appropriations; and Senators Storms and Latvala—

CS for SB 1658—A bill to be entitled An act relating to underserved communities; amending s. 402.82, F.S.; restricting the use of an electronic benefit transfer card to prohibit accessing cash from outside the state and purchasing certain products; expanding the list of items that may not be purchased with the federal Supplemental Nutrition Assistance Program funds; prohibiting the use of benefits in restaurants; directing the Department of Children and Family Services to promote the benefits of healthy and nutritious eating habits; requiring the department to seek federal authorization or waiver when necessary; amending s. 414.095, F.S.; revising the method of payment of temporary cash assistance to include an electronic benefit transfer card; prohibiting a cash assistance recipient from accessing cash benefits through an electronic benefit transfer card from an automatic teller machine located in certain locations; creating the Healthy Foods Retail Act; providing legislative findings; providing definitions; directing the Department of Agriculture and Consumer Services to establish a financing program to help fund projects that increase access to fresh fruits and vegetables in underserved communities; authorizing the department to contract with other organizations to administer the program; specifying how the funding is to be used; providing who is eligible for funding; providing criteria for project funding and evaluation; requiring an annual report to the Legislature; authorizing available funds to be used to leverage other funding; authorizing the department to adopt rules; providing an effective date.

By the Committee on Judiciary; and Senator Latvala—

CS for SB 1662—A bill to be entitled An act relating to homeless youth; amending s. 382.002, F.S.; defining the term "certified homeless youth"; conforming a cross-reference; amending s. 382.0085, F.S.; conforming cross-references; amending s. 382.025, F.S.; providing that a minor who is a certified homeless youth or who has had the disabilities on nonage removed under specified provisions may obtain a certified copy of his or her birth certificate; creating s. 743.067, F.S.; providing that unaccompanied youths who are certified homeless youths 16 years of age or older who apply to a court to have the disabilities of nonage removed shall have court costs waived; requiring a court to advance such cases on the calendar; providing an effective date.

By the Committee on Criminal Justice; and Senator Evers—

CS for SB 1846—A bill to be entitled An act relating to criminal gang prevention; amending s. 810.0975, F.S.; providing enhanced criminal penalties for certain trespassing offenses in school safety zones by a person convicted of certain gang-related offenses; amending s. 874.05, F.S.; providing enhanced criminal penalties for a person who intentionally causes, encourages, solicits, or recruits another person under a specified age to become a criminal gang member in certain circumstances; amending s. 951.23, F.S.; authorizing county and municipal detention facilities to designate an individual to be responsible for determining the gang status of each inmate entering the facility and to assess each current inmate for gang activity or gang affiliation; providing duties of such individuals; amending ss. 435.04 and 921.0022, F.S.; conforming cross-references and assigning offense severity rankings for violations of s. 874.05, F.S.; amending s. 921.0024, F.S.; revising the criteria for application of the sentencing multiplier for offenses related to criminal gangs; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Lynn—

CS for SB 2044—A bill to be entitled An act relating to child protection; amending s. 39.01, F.S.; revising the definitions of the term “abandoned” or “abandonment,” “institutional child abuse or neglect,” and “abandons the child within the context of harm”; amending s. 39.013, F.S.; specifying when jurisdiction attaches for a petition for an injunction to prevent child abuse issued pursuant to specified provisions; amending s. 39.0138, F.S.; revising provisions relating to criminal history records check on persons being considered for placement of a child; requiring a records check through the State Automated Child Welfare Information System; providing for an out-of-state criminal history records check of certain persons who have lived out of state if such records may be obtained; amending s. 39.201, F.S.; providing procedures for calls from a parent or legal custodian seeking assistance for himself or herself which do not meet the criteria for being a report of child abuse, abandonment, or neglect, but show a potential future risk of harm to a child and requiring a referral if a need for community services exists; specifying that the central abuse hotline is the first step in the safety assessment and investigation process; amending s. 39.205, F.S.; permitting discontinuance of an investigation of child abuse, abandonment, or neglect during the course of the investigation if it is determined that the report was false; amending s. 39.301, F.S.; substituting references to a standard electronic child welfare case for a master file; revising requirements for such a file; revising requirements for informing the subject of an investigation; deleting provisions relating to a preliminary determination as to whether an investigation report is complete; revising requirements for child protective investigation activities to be performed to determine child safety; specifying uses for certain criminal justice information accesses by child protection investigators; requiring documentation of the present and impending dangers to each child through use of a standardized safety assessment; revising provisions relating to required protective, treatment, and ameliorative services; revising requirements for the Department of Children and Family Service’s training program for staff responsible for responding to reports accepted by the central abuse hotline; requiring the department’s training program at the regional and district levels to include results of qualitative reviews of child protective investigation cases handled within the region or district; revising requirements for the department’s quality assurance program; amending s. 39.302, F.S.; requiring that a protective investigation must include an interview with the child’s parent or legal guardian; amending s. 39.307, F.S.; requiring the department, contracted sheriff’s office providing protective investigation services, or contracted case management personnel responsible for providing services to adhere to certain procedures relating to reports of child-on-child sexual abuse; deleting a requirement that an assessment of service and treatment needs to be completed within a specified period; amending s. 39.504, F.S.; revising provisions relating to the process for seeking a child protective injunction; providing for temporary ex parte injunctions; providing requirements for service on an alleged offender; revising provisions relating to the contents of an injunction; providing for certain relief; providing requirements for notice of a hearing on a motion to modify or dissolve an injunction; providing that a person against whom an injunction is entered does not automatically become a party to a subsequent dependency action concerning the same child unless he or she was a party to the action in which the injunction was entered; amending s. 39.521, F.S.; requiring a home study report if a child has been removed from the home and will be remaining with a parent; substituting references to the State Automated Child Welfare Information System for the Florida Abuse Hotline Information System applicable to records checks; authorizing submission of fingerprints of certain household members; authorizing requests for national criminal history checks and fingerprinting of any visitor to the home known to the department; amending s. 39.6011, F.S.; providing additional options for the court with respect to case plans; providing for expiration of a child’s case plan no later than 12 months after the date the child was adjudicated

dependent; conforming a cross-reference to changes made by the act; amending s. 39.621, F.S.; revising terminology relating to permanency determinations; amending s. 39.701, F.S.; providing that a court must schedule a judicial review hearing if the citizen review panel recommends extending the goal of reunification for any case plan beyond 12 months from the date the child was adjudicated dependent, unless specified other events occurred earlier; conforming a cross-reference to changes made by the act; amending s. 39.8055, F.S.; requiring the department to file a petition to terminate parental rights within a certain number of days after the completion of a specified period after the child was sheltered or adjudicated dependent, whichever occurs first; amending s. 39.806, F.S.; providing additional criteria for the court to consider when deciding whether to terminate the parental rights of a parent or legal guardian because the parent or legal guardian is incarcerated; increasing the number of months of failure of the parent or parents to substantially comply with a child’s case plan in certain circumstances that constitutes evidence of continuing abuse, neglect, or abandonment and grounds for termination of parental rights; revising a cross-reference; clarifying applicability of certain amendments made by the act; amending ss. 39.502, 39.823, and 39.828, F.S.; conforming cross-references to changes made by the act; amending s. 402.56, F.S.; directing the Children and Youth Cabinet to meet at least four times per year rather than six times per year; providing an effective date.

ENROLLING REPORTS

SB 634 and CS for SB 1174 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on February 10, 2012.

Debbie Brown, Secretary

CS for SJR 1176 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on February 10, 2012.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 9 was corrected and approved.

CO-INTRODUCERS

Senators Bullard—SB 276, SM 1080; Gaetz—SM 1080; Lynn—CS for SB 452; Oelrich—SB 1040; Sachs—CS for SB 1816; Sobel—SM 1576, SB 1592; Thrasher—SB 1300

RECESS

On motion by Senator Thrasher, the Senate recessed at 5:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Tuesday, February 14 or upon call of the President.

SENATE PAGES

February 13-17, 2012

Corey Burns, Winter Park; Corey Darnell, Blountstown; Layne Garrett, Tallahassee; Seth Heard, Apopka; Jennifer Lucas, Tallahassee; Christine Martinez, Tampa; Caleb Rodrigues, Oakland Park; Atticus Stephens, Quincy; Kati Underwood, Tallahassee